

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PATRICIA ZONTINI,  
Plaintiff,

v.

Case No. 12-cv-14912  
Honorable Patrick J. Duggan

MERCHANTS RECOVERY SERVICES,  
INC. and GARY BEMIS,  
Defendants.

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**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION FOR  
DEFAULT JUDGMENT AND SCHEDULING EVIDENTIARY HEARING**

Plaintiff initiated this lawsuit against Defendants on November 3, 2012, alleging violations of the federal Fair Debt Collection Practices Act and the Michigan Collection Practices Act. After obtaining a Clerk's Entry of Default on January 14, 2013, Plaintiff filed a motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b) on January 29, 2013. This Court referred the motion to Magistrate Judge R. Steven Whalen for a report and recommendation (R&R) pursuant to 28 U.S.C. § 636(b)(1)(B) on February 27, 2013.

On July 9, 2013, Magistrate Judge Whalen issued his R&R recommending that this Court grant Plaintiff's motion for default judgment and schedule an evidentiary hearing on damages. (ECF No. 15.) At the conclusion of his R&R, Magistrate Judge Whalen advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 6.) He

further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen.

Accordingly,

**IT IS ORDERED** that Plaintiff’s motion for default judgment is **GRANTED**;

**IT IS FURTHER ORDERED**, that an evidentiary hearing on damages is scheduled for **August 21, 2013**, at **2:00 p.m.** before the undersigned at the United States District Court, Theodore Levin U.S. Courthouse, 231 W. Lafayette Boulevard, Room 861, Detroit, Michigan. Plaintiff shall be prepared to present competent evidence in support of her request for damages at that time;

**IT IS FURTHER ORDERED**, that Plaintiff shall serve a copy of this Opinion and Order on Defendants via first-class mail at least seven (7) days prior to the hearing and file a certificate of such service.

Dated: August 9, 2013

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

Ian B. Lyngklip, Esq.

Magistrate Judge R. Steven Whalen